

K U R T O P P R E C H T

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The Honorable Judge Charles S. Haight, Jr.
Senior United States District Judge
US District Court for the Southern District of New York
Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: Comments on the Proposed Handschu Settlement

Dear Honorable Judge:

These comments are respectfully submitted to stand against the guidelines proposed in the Handschu Settlement, I oppose espionage by the NYPD on activity that is protected by the First Amendment, especially in the absence of suspected criminal activity.

I am a long-time participant in the political process and that includes a healthy amount of what is known as activism. I am a writer and actor and often perform in the streets in theater pieces that draw attention to political concerns. I also do a good deal of writing for activists and activist causes. In 2004 I edited the book, "How to Rule the World for Fun and Profit" which was published by Avalon Books and of which more than 14,000 copies were printed.

In 2004 I was especially active with the satirical theater and media activist group Billionaires for Bush, which the NYPD spied upon, by their own admission. I was a member of the executive board of The Billionaires and regularly attended meetings and public performances, and for I spent a great deal of time on my own writing and helping organize events.

I was already opposed to surveillance of legal organizations and I had been cautious in my behaviors, but I was yet surprised at how much more of a chilling effect washed through our ranks when it was verified that we'd been infiltrated and spied upon.

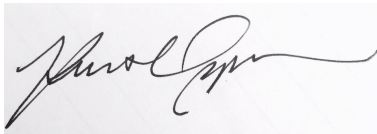
Here are some of the ways our fears immediately reared their heads and infected the ability of me and my fellow citizens to play our role in our healthy political process.

- Membership, recruitment and meetings: Should I be seen with these people? Could it affect my next job interview? How about if I want to get a job with a US agency? Can I afford to do this? Life is hard, these are important considerations.
- Communications: Should I make this phone call? Will what I say be taken in the wrong context? Can I joke around on the phone? What about the person I call? Will she say something that makes me look bad? (The same goes for emails.) I found myself making fewer calls and being unnecessarily cautious in perfectly innocuous correspondence.
- Trust: Is this person at this meeting a friend or a foe? And not just a foe, but someone who might arrest me or put me on some sort of watch list? Who am I willing to work with? This is no way to feel about one's fellow group members.

Membership, Communications and Trust are vital to any organization, especially a political one, and all three are severely chilled by even the notion of government surveillance, be it by the NYPD or whomever. Unfortunately, it is often the best and most conscientious players that are most frightened. I urge you in the strongest possible terms to weigh this chilling effect heavily when you consider rules for conduct of our police forces.

Thank you for considering my comments. I wish you all the best.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt Opprecht', written on a light-colored background.

Kurt Opprecht